

ag-35

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR UTAH COUNTY.

Provo Reservoir Company,

Vs.

Provo City, The East River
Bottom Water Company, et al.

No. 2888 Civil.

PETITION OF T. F. WENTZ, COMMISSIONER.

To the Hon., C. W. Morse, Judge pro tem.

Comes now T. F. Wentz, the commissioner heretofore appointed by this Court in the above entitled cause, to regulate, control and distribute the waters of Provo River to the parties entitled thereto and respectfully shows:

That the East River Bottom Water Company is a corporation, and is a defendant in the above entitled cause.

That said company distributes waters to its stockholders through laterals that divert from City Creek.

That City Creek is a diversion channel from Provo River, and that the waters to which said defendant The East River Bottom Water Company, the defendant Provo City and other defendants are entitled are conveyed through and from said City Creek.

That The East River Bottom Water Company has failed and now refuses to construct or provide proper gates and dams for the diversion and control of its waters, and that now and every year since the year 1913, large quantities of water flow from said City Creek to which the said defendant is not entitled, and that without proper appliances for the control and the closing of the laterals of said defendant large quantities of water are wasted and lost to the parties to which they are entitled.

That The East River Bottom Water Company has failed and refuses to construct in said City Creek proper diversion dams, but has obstructed the channel of said City Creek by brush and rock dams that collect drift and interfere with the flow of water through said channel, that said brush and rock dams are a continuing hindrance to the control and passage of water through said channel.

WHEREFORE, your commissioner prays that an order of this Court be made, requiring The East River Bottom Water Company to provide proper gates for the closing off all laterals diverting water from City Creek, and that during the time that no water is scheduled to be flowing to a lateral that such lateral shall be kept closed so that no water shall flow therein. And that an opening of at least twelve feet in ~~which~~ width and the bottom of which shall not be higher than the sill of its lateral gate at said point shall be provided in each of its dams in said City Creek, and that said opening shall be at all times open and free for the passage of water through said City Creek. And that the said defendant shall provide proper measuring devices near the heads of each of its laterals that divert from said City Creek.

T. F. Wentz

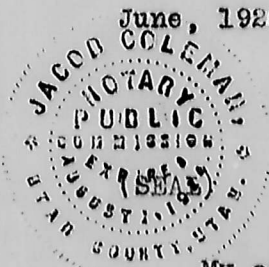
State of Utah *
 * SS
County of Utah *
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T. F. Wentz being first duly sworn, on his oath says that he is the petitioner above named, that he has read the foregoing petition, knows the contents thereof and that the same is true of his own knowledge, except as to the matters therein stated upon information and belief and as to such matters he believes it to be true.

T. F. Wentz

Subscribed and sworn to before me this 30th day of

June, 1920.



Jacob Coleman
Notary Public

My commission expires _____

2888,
IN DIST. COURT
UTAH CO., UTAH.
FILED

1920
L. T. Epperson
Deputy

